



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

DIANE B. BURSTEIN DEPUTY GENERAL COUNSEL

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903
TEL: 202.775.3664 FAX: 202.775.3603 E-MAIL: dburstein@ncta.com

April 29, 2004

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 02-144, MM Docket No. 92-266, MM Docket No. 93-215,
CS Docket No. 94-28, CS Docket No. 96-157

Dear Ms. Dortch:

On April 28, 2004, Dan Brenner and Diane Burstein of the National Cable & Telecommunications Association met with William Johnson, John Norton, Mary Beth Murphy, Katie Costello, Peggy Green and Kenneth Lewis from the FCC's Media Bureau.

Consistent with our written comments in the above-captioned proceeding, NCTA argued that the Commission: (1) should permit cable operators to maintain their prevailing rate if local franchising authorities ("LFAs") are newly-certified, subject to LFA review of the system's most recent rate increase; (2) should provide cable operators the option of pricing digital boxes free from rate regulation; and (3) should continue to rely on its per-channel adjustment factor for calculating rate changes when channels are added or deleted to the basic tier, rather than modifying its rules to reflect bandwidth usage.

Respectfully submitted,

/s/ **Diane Burstein**

Diane Burstein

cc: William Johnson, Deputy Chief
Peggy Green, Associate Bureau Chief
John Norton, Deputy Chief, Policy Division
Mary Beth Murphy, Division Chief, Policy Division
Katie Costello, Attorney Advisor
Kenneth Lewis, Attorney Advisor